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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEMETRIUS SMITH,

Defendant.

No. CR 08-0131 PJH

UNITED STATES' INFORMATION FOR
INCREASED PUNISHMENT BY
REASON OF PRIOR FELONY DRUG
CONVICTION, 21 U.S.C. § 851

Pursuant to the provisions of 21 U.S.C. § 851, the United States Attorney files this
Information alleging that:

1. Defendant Demetrius Smith was convicted on or about February 6, 2002, in the
city and county of San Francisco, of a felony violation of California Health and Safety Code §
11359, which prohibits the possession of marijuana for sale. See Exhibits 1 (complaint), 2
(minute order), 3 (commitment order).

2. By reason of this felony drug conviction, defendant is subject to increased
punishment – a term of imprisonment of not less than ten years and not more than life
imprisonment, a \$4 million fine, and a term of supervised release of at least eight years –

UNITED STATES' INFORMATION FOR INCREASED PUNISHMENT
CR 08-0131 PJH

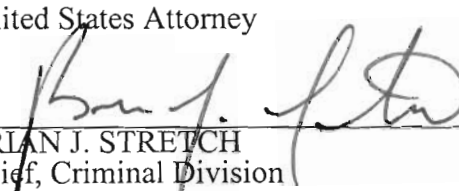
1 pursuant to the provisions of 21 U.S.C. § 841(b)(1)(B) if he is convicted of the offense charged
2 in the Indictment.

3 3. The United States Attorney hereby gives notice to defendant and his counsel that
4 if defendant is convicted of the offense charged in the Indictment, the government intends to rely
5 on this prior felony drug conviction in seeking enhanced punishment at the time of sentencing,
6 pursuant to the provisions of 21 U.S.C. §§ 841(b)(1)(B) and 851.

7
8 DATED: May 27, 2008

Respectfully submitted,

9 JOSEPH P. RUSSONIELLO
10 United States Attorney

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12 BRIAN J. STRETCH
13 Chief, Criminal Division

14 (Approved as to form: Andrew Caputo)
15 AUSA Caputo
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2024826 DEMETRIUS SMITH 11359 HS/Fel. 9-86

THE PEOPLE OF THE STATE OF CALIFORNIA VS. THE DEFENDANT ABOVE NAMED
IN THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

COMPLAINT

FILED
SUPERIOR COURT
Gordon Park Li, Clerk


BY  Deputy

DENISE FABRI states and declares on information and belief that the said defendant(s) did in the City and County of San Francisco, State of California, on or about the 4th of January 2002, commit the crime of felony, to wit: Violating section 11359 of the California Health and Safety Code, in that the said defendant did wilfully and unlawfully possess for purpose of sale marijuana.



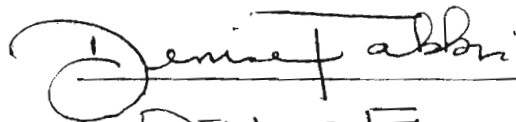
THE ANNEXED INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN MY OFFICE.
ATTEST: CERTIFIED

APR 04 2008

GORDON PARK LI, Clerk
Superior Court of California, County of San Francisco
BY  DEPUTY CLERK
Lourdes Manlapaz

I state, declare, verify and certify under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California, on January 9, 2002.

dc


DENISE FABRI #034

LBID-56-137937-174

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO - MINUTES

People of the State of California vs DEMETRIUS SMITH

X Present

SC # 184851	Assistant DA of Record <input type="checkbox"/> Present	Attorney of Record J. LEE	X Present
<input type="checkbox"/> Interpreter Language	Clerk FAUSTO J HOWAY	Judge LUCY KELLY McCABE	
Reporter CANDACE YOUNT#2737			

Cause on Calendar for Sentence

Court has appointed J. LEE, conflict counsel.

Special appearance by G. BUTTERWORTH, DA for the Assistant DA of Record.

Defendant waives formal arraignment for judgment, has been convicted of the crime(s) of felony by plea on 02/06/2002.

Count	Code	Section	Degree	MC #	Plea	Finding
001	HS	11359/F		02024826	G	

The Court orders imposition of sentence suspended.

Probation is ordered granted for a period of 3 year(s), subject to the following terms and conditions:

As a condition of probation, the defendant shall serve a term in County Jail of 5 day(s).

Defendant is to receive credit for time served of 5 day(s).

Defendant shall pay a fine in the amount of \$500, plus penalty. In lieu of payment of fine, defendant may perform community service.

Defendant is subject to a warrantless search condition, as to defendant's person, premises and vehicle, any time of the day or night, with or without probable cause, by any peace, parole or probation officer.

Defendant shall pay a restitution fine in the amount of \$200 pursuant to PC 1202.4, plus 10% administrative fees.

Defendant is advised, this drug related conviction may have the consequence of permanent denial of public assistance.

Defendant shall register pursuant to provisions of HS 11590.

Defendant shall submit to drug testing and/or counseling as determined by the Adult Probation Department.

Defendant shall not possess any drugs without prescription.

Defendant shall pay a criminal analysis fee of \$50 pursuant to HS 11372.5.

Defendant shall pay probation costs up to an amount of \$40 per month, as determined by the probation officer.

Defendant shall pay cost of pre-sentence investigation in the amount of \$150 as determined by the probation officer.

Defendant shall pay a booking fee in the amount of \$125 pursuant to Government Code 29550.3.

Defendant shall obey all laws.

Defendant accepts conditions of probation.



People of the State of California vs. DEMETRIUS SMITH

SC# 184851	Dept No. M09	Judge LUCY KELLY McCABE
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Counsel for the above-named defendant, J. LEE, present. Defendant was convicted of the following crime(s) of felony by plea on 02/06/2002

Special appearance by G. BUTTERWORTH, DA for the Assistant DA of Record.

Court has appointed J. LEE, conflict counsel.

Count	Code	Section	Degree	MC #	Plea	Finding
001	HS	11359/F		02024826	G	

Arraignment for judgment is waived.

The Court orders imposition of sentence suspended.

Probation is ordered granted for a period of 3 year(s), subject to the following terms and conditions:

As a condition of probation, the defendant shall serve a term in County Jail of 5 day(s).

Defendant is to receive credit for time served of 5 day(s) .

Defendant shall submit to drug testing and/or counseling as determined by the Adult Probation Department.

Defendant shall obey all laws.

I hereby certify that the foregoing is a true and correct abstract of orders duly made in the above entitled action 04/22/2002 and in the minutes of the Superior Court.

GORDON PARK-LI, CLERK

by FAUSTO J. HOWAY DEPUTY CLERK

